

From: Hammond, Jason [<mailto:jhammond@baileywyant.com>]
Sent: Friday, October 23, 2015 10:30 AM
To: Roman Semenov
Subject: FW: James River Equipment, Virginia, LLC v. Justice Energy

Good morning. I just wanted to check to see if you have been able to review the attached Joint Motion. Also, my client has received the first installment payment. We appreciate the prompt payment. Thanks

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From: Hammond, Jason
Sent: Monday, October 19, 2015 3:58 PM
To: 'Roman Semenov'
Subject: James River Equipment, Virginia, LLC v. Justice Energy

Good afternoon. Attached is the draft of the Joint Motion that I emailed you about on Friday. Please let me know if you have any changes. If not, please sign or have another officer/director of the company sign and return to me for filing. Thanks

JSH

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**JAMES RIVER EQUIPMENT,
VIRGINIA, LLC, a Virginia Limited
Liability Company,**

Plaintiff,

v.

**Civil Action No. 5:13-cv-28160
Honorable Irene Berger**

**JUSTICE ENERGY COMPANY, INC. a
West Virginia Corporation,**

Defendant.

**JOINT MOTION TO STAY ACTION, TO WITHDRAW PLAINTIFF JAMES RIVER
EQUIPMENT, VIRGINIA LLC'S, SECOND MOTION FOR CONTEMPT AND
MOTION FOR SANCTIONS, AND MOTION SEEKING APPROVAL OF
SETTLEMENT**

NOW COMES Plaintiff James River Equipment, Virginia, LLC and Defendant Justice Energy Company, Inc., and for their Joint Motion To Stay Action, To Withdraw Plaintiff James River Equipment, Virginia LLC's, Second Motion For Contempt and Motion For Sanctions, and Motion Seeking Approval Of Settlement states and avers as follows:

1. On November 6, 2013, James River Equipment, Virginia, LLC, filed its Complaint in the United States District Court for the Southern District of West Virginia asserting a claim for breach of contract and unjust enrichment against Defendant Justice Energy Company Inc.
2. On January 21, 2014, the Honorable Judge Irene Berger entered an Order Granting Default Judgment in favor of the Plaintiff in the amount of \$156,112.14, in addition to

statutory interest at the rate of 11% per annum.

3. On April 30, 2014, an Abstract of Judgment was issued by the Clerk of the Court. This Abstract of Judgment was subsequently recorded in Raleigh County, Wyoming County, and McDowell County, West Virginia.
4. On July 16, 2014, the Plaintiff filed its Motion for Appointment of Commissioner requesting that United States Magistrate Judge R. Clarke VanDervort be appointed to act as Commissioner in Aid of Execution regarding this action.
5. On August 1, 2014, United States Magistrate Judge R. Clarke VanDervort was appointed to serve as Commissioner in Aid of Execution regarding this matter.
6. Following several hearings regarding this matter, the parties were able to negotiate a settlement of this judgment.
7. In exchange for payment in the amount of \$180,000.00 to be paid in six (6) consecutive monthly installments of \$30,000.00, commencing on November 1, 2015 and continuing on the first of each month thereafter, until paid in full, Plaintiff James River Equipment has agreed to withdraw its Second Motion for Contempt and Motion for Sanction of Imprisonment of Officers and Directors until Justice Energy Company, Inc. complies with Court Order, without prejudice. Furthermore, James River Equipment, Virginia, LLC, agrees to release its Abstracts of Judgment regarding this action once Defendant Justice Energy Company, Inc. has complied with and completed the six (6) monthly payments in order to satisfy this settlement.
8. Once all required payments have been made, this action may be dismissed from the active docket of the Court.

WHEREFORE, the parties respectfully request this Honorable Court approve of the

settlement regarding this action, permit the Plaintiff to withdraw its previously filed Second Motion for Contempt, and enter a Stay of this action until the Defendant complies with and completes the settlement regarding this matter, or fails to make timely payments pursuant to the settlement.

Respectfully submitted,

JAMES RIVER EQUIPMENT, VIRGINIA, LLC

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Virginia, LLC

JUSTICE ENERGY COMPANY, INC.

Justice Energy Company, Inc.
100 Cranberry Creek Drive
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By: _____
Director for Justice Energy Company, Inc.